

ESTTA Tracking number: **ESTTA363528**

Filing date: **08/17/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Whataburger Partnership		
Entity	Partnership	Citizenship	Texas
Composed Of:	Thomas E. Dobson, Texas Hugh Dobson, Texas Lynne Dobson, Texas		
Address	300 Concord Plaza Drive San Antonio, TX 78216 UNITED STATES		

Attorney information	Jennifer L. Elgin Wiley Rein LLP 1776 K Street Washington, DC 20006 UNITED STATES jelgin@wileyrein.com, bcarlton@wileyrein.com, bdavis@wileyrein.com Phone:202-719-7000
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### Registration Subject to Cancellation

Registration No	2842218	Registration date	05/18/2004
Registrant	WALA INDUSTRIES, INC. 7011 WARNER AVENUE UNIT M HUNTINGTON BEACH, CA 92647 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 043. First Use: 1992/08/01 First Use In Commerce: 1992/08/01 All goods and services in the class are cancelled, namely: Carry-out restaurant services
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### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition_to_cancel__WHAT_A_LOT_A_PIZZA-WRFMAIN-#13175550-v1.pdf ( 27 pages )(1523865 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jennifer L. Elgin/
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Name	Jennifer L. Elgin
Date	08/17/2010

**UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

WHATABURGER PARTNERSHIP	)	
	)	
Petitioner,	)	Cancellation No.: _____
	)	
v.	)	Mark: WHAT A LOT A PIZZA &
	)	Design
WALA INDUSTRIES, INC.	)	Reg. No.: 2,842,218
	)	
Respondent.	)	

**PETITION TO CANCEL**

Whataburger Partnership, a general partnership organized under the laws of Texas, with offices located at 300 Concord Plaza Drive, San Antonio, TX 78216, hereby petitions to cancel Registration No. 2,842,218 for WHAT A LOT A PIZZA & Design (“Respondent’s Mark”), registered on the Principal Register May 18, 2004, for “carry-out restaurant services” in International Class 043, by Wala Industries, Inc. (“Respondent”). Whataburger Partnership is being damaged by the continued registration of Registration No. 2,842,218 and puts forth the following grounds for cancellation:

1. Whataburger Partnership is the owner of all right, title and interest in the trademarks and service marks pleaded in this Petition to Cancel and licenses said marks for use in connection with the WHATABURGER restaurant system (Whataburger Partnership and its licensees are collectively referred to as “Petitioner”).
2. Petitioner operates or franchises over 700 restaurants under the WHATABURGER name.
3. Petitioner, through its predecessors in interest, adopted and commenced use of the WHATABURGER name as a service mark for restaurant services in 1950 and has used the name continuously and without interruption to the present day.

4. Petitioner uses the WHATABURGER name not only to identify its restaurant services, but also as a trademark to identify food products sold at its restaurants and elsewhere.

5. Petitioner has developed a family of WHATA marks to identify its restaurant services, food products and collateral products and services, such as printed materials, clothing and stadium services.

6. Based on Petitioner's extensive, exclusive and continuous use of its WHATABURGER and WHATA marks in connection with restaurant services, food products and collateral goods, the name WHATABURGER and Petitioner's other WHATA marks have come to be recognized among the consuming public as designators of origin with respect to said services and products.

7. Petitioner is the owner of all right, title and interest in and to the following federal service mark and trademark registrations, which presently are valid and subsisting in law (photocopies are attached hereto as Exhibit A).

- (a) Registration No. 652,137 – **WHATABURGER** for “hamburger sandwich,” registered on the Principal Register September 24, 1957.
- (b) Registration No. 891,082 – **WHATABURGER** for “restaurant services and drive in restaurant services,” registered on the Principal Register May 12, 1970.
- (c) Registration No. 1,011,927 – **WHATABURGER** for “hamburgers, cheeseburgers, french fried potatoes, fried pies, onion rings, malt and shake beverages, and frankfurter sandwiches” and “restaurant and drive-in restaurant services,” registered on the Principal Register on May 27, 1975.
- (d) Registration No. 1,011,928 – **WHATABURGER & W Design** for “hamburgers, cheeseburgers, french fried potatoes, fried pies, onion rings, malt and shake beverages, and frankfurter sandwiches” and “restaurant and drive-in restaurant services,” registered on the Principal Register on May 27, 1975.
- (e) Registration No. 1,014,196 – **WHATABURGER JR.** for “prepared hamburger sandwich for consumption on or off premises,” registered on the Principal Register on June 24, 1975.

- (f) Registration No. 1,116,918 – **WHATAMEAL** for “prepared meal consisting of a hamburger sandwich, french fries and a beverage for consumption on or off the premises,” registered on the Principal Register April 24, 1979.
- (g) Registration No. 1,206,344 – **WHATACATCH** for “breaded fish fillets suitable for fish sandwiches” and “prepared fish sandwich for consumption on or off the premises,” registered on the Principal Register August 24, 1982.
- (h) Registration No. 2,160,285 – **WHATACHICK’N** for “chicken sandwich,” registered on the Principal Register May 26, 1998.
- (i) Registration No. 2,335,590 – **WHATABURGER** for “restaurant services,” registered on the Principal Register March 28, 2000.
- (j) Registration No. 2,372,372 – **WHATAKIDS** for “clothing for children, namely, shirts, polo shirts, t-shirts, dresses, overalls, onesies, baseball caps and hats,” registered on the Principal Register August 1, 2000.
- (k) Registration No. 2,418,380 – **WHATAGUY** for “restaurant services,” registered on the Principal Register January 2, 2000.
- (l) Registration No. 2,432,191 – **WHATAKIDS** for “restaurant services,” registered on the Principal Register February 27, 2001.
- (m) Registration No. 2,519,854 – **WHATACOMIX** for “comic books and children’s activity books,” registered on the Principal Register December 18, 2001.
- (n) Registration No. 2,534,527 – **WHATAPLACE! WHATATASTE!** for “restaurant services,” registered on the Principal Register January 29, 2002.
- (o) Registration No. 2,757,109 – **WHATABURGER** for “charitable fundraising services,” registered on the Principal Register August 26, 2003.
- (p) Registration No. 2,846,139 – **WHATABLENDERS** for “milk shake drinks, bases for milk shake drinks and candy flavored toppings,” registered on the Principal Register May 25, 2004.
- (q) Registration No. 3,185,230 – **WHATASIZE** for “restaurant services featuring a prepared meal containing french fries and a soft drink for consumption on or off the premises,” registered on the Principal Register December 19, 2006.
- (r) Registration No. 3,188,132 – **WHATABURGER FIELD** for “providing stadium facilities for sporting events, exhibitions, conventions, community festival events and concerts,” registered on the Principal Register December 19, 2006.

- (s) Registration No. 3,188,136 – **WHATABURGER FIELD & Design** for “providing stadium facilities for sporting events, exhibitions, conventions, community festival events and concerts,” registered on the Principal Register December 19, 2006.

8. Many of Petitioner’s pleaded registrations are incontestable as to the products and services listed therein and are conclusive evidence of the validity of the registered marks, Petitioner’s ownership thereof, and of Petitioner’s exclusive right to use the marks in commerce on or in connection with the products and services identified in the registrations.

9. Petitioner has invested substantial sums advertising and promoting the sale of its goods and services under its WHATABURGER and WHATA marks. By reason of Petitioner’s extensive, exclusive and continuous use of its WHATABURGER and WHATA marks, the relevant consuming public has come to recognize the WHATABURGER and WHATA marks as being used by Petitioner to associate and identify the WHATABURGER and WHATA marks with Petitioner. Petitioner has obtained and enjoys an exceedingly valuable reputation and goodwill symbolized by the WHATABURGER and WHATA marks.

10. On information and belief, Respondent has, at some time in the past, used Respondent’s Mark in connection with carry-out restaurant services.

11. Respondent is the owner of record of the Reg. No. 2,842,218 for Respondent’s Mark, which claims a date of first use in commerce of August 1, 1992.

12. On information and belief, Respondent has made no commercial use of Respondent’s Mark in commerce in connection with carry-out restaurant services since at least as early as 2006.

13. Respondent recently failed to file a declaration of continuing use for a related mark, WHAT A LOT A PIZZA, Reg. No. 2,740,030, with the result that such registration has been cancelled by the Trademark Office pursuant to Section 8 of the Trademark Act.

14. On information and belief, Respondent's discontinuance of use of Respondent's Mark in connection with the services cited in the Reg. No. 2,740,030 has been for more than three years, without intention to resume use.

15. On information and belief, Respondent has abandoned use of Respondent's Mark and the corresponding registration, Reg. No. 2,740,030.

16. Respondent's Mark is likely to be confused with the WHATABURGER and WHATA marks; therefore, Petitioner is damaged by continuing registration of Respondent's Mark.

WHEREFORE, Petitioner prays that its petition for cancellation be sustained and that the challenged registration be cancelled in its entirety.

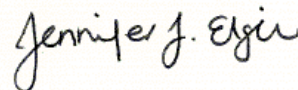
Petitioner hereby authorizes the filing fee of THREE HUNDRED DOLLARS (\$300.00) and any additional charges necessary to institute this proceeding to be debited from the deposit account of Wiley Rein, Account No. 501129.

This cancellation is being filed by the undersigned attorneys at law, duly authorized to represent Petitioner in this proceeding, pursuant to Trademark Rule 2.111(b).

Dated: August 17, 2010

Respectfully submitted,

WHATABURGER PARTNERSHIP



By: \_\_\_\_\_

Christopher Kelly  
Jennifer Elgin  
Wiley Rein LLP  
1776 K Street, N.W.  
Washington, D.C. 20006  
(202) 719-7000

Attorneys for Whataburger Partnership

# EXHIBIT A



Int. Cl.: 30

Prior U.S. Cl.: 46

Reg. No. 652,137

United States Patent and Trademark Office

Registered Sep. 24, 1957

10 Year Renewal

Renewal Term Begins Sep. 24, 1997

TRADEMARK  
PRINCIPAL REGISTER

WHATABURGER

WHATABURGER, INC. (TEXAS CORPORATION)

4600 PARKDALE DRIVE

CORPUS CHRISTI, TX 78411, BY ASSIGNMENT, CHANGE OF NAME, CHANGE OF NAME, ASSIGNMENT AND MERGER WITH DOBSON, HARMON A. (UNITED STATES CITIZEN) CORPUS CHRISTIE, TX

FOR: HAMBURGER SANDWICH, IN CLASS 46 (INT. CL. 30).

FIRST USE 1-1-1950; IN COMMERCE 2-10-1953.

SER. NO. 71-667,794, FILED 6-7-1954.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on July 29, 1997.*

Int. Cl.: 42

Prior U.S. Cl.: 100

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 891,082

Registered May 12, 1970

Renewal Approved Feb. 15, 1990

SERVICE MARK  
PRINCIPAL REGISTER

**WHATABURGER**

WHATABURGER, INC. (TEXAS CORPORATION)

4600 PARKDALE DRIVE

CORPUS CHRISTI, TX 78411, ASSIGNEE  
BY ASSIGNMENT, MERGER AND  
CHANGES OF NAME FROM DOBSON,  
GRACE W. (UNITED STATES CITI-  
ZEN), DOING BUSINESS AS WHATA-  
BURGER DRIVE INNS, CORPUS  
CHRISTI, TX

FOR: RESTAURANT SERVICES AND  
DRIVE IN RESTAURANT SERVICES, IN  
CLASS 100 (INT. CL. 42).

FIRST USE 1-1-1950, IN COMMERCE  
2-10-1953.

SER. NO. 72-291,496, FILED 2-20-1968.

OWNER OF U.S. REG. NO. 652,137.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Mar. 27, 1990.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. Cl.: 29, 30, 32, 42

Prior U.S. Cl.: 45, 46, 100

United States Patent Office

Reg. No. 1,011,927

Registered May 27, 1975

TRADEMARK  
SERVICE MARK

Principal Register

WHATABURGER

Whataburger, Inc. (Texas corporation)  
3104 S. Alameda  
Corpus Christi, Tex. 78404, by merger and change of  
name from  
Whataburger No. 1, Inc. (Texas corporation)  
Corpus Christi, Tex.

For: SOFT DRINKS, in CLASS 45 (INT. CL. 32).

For: HAMBURGERS, CHEESEBURGERS,  
FRENCH FRIED POTATOES, POTATO CHIPS,  
CORN CHIPS, FRIED PIES, ONION RINGS, MALT  
AND SHAKE BEVERAGES, AND FRANKFURTER  
SANDWICHES, in CLASS 46 (INT. CLS. 29 and 30).

For: RESTAURANT AND DRIVE-IN RESTAU-  
RANT SERVICES, in CLASS 100 (INT. CL. 42).

First use July 18, 1972; in commerce July 28, 1972.  
The drawing is lined for the colors orange and brown.

Ser. No. 442,464, filed Nov. 29, 1972.

M. MERCHANT, Examiner

FOR: RESTAURANT AND DRIVE-IN  
RESTAURANT SERVICES, IN CLASS  
100 (INT. CL. 42).

FIRST USE 7-28-1972; IN COMMERCE  
7-28-1972.

SER. NO. 72-442,465, FILED 11-29-1972.

Int. Cls.: 29, 30, 32 and 42

Prior U.S. Cls.: 45, 46 and 100

United States Patent and Trademark Office  
Amended

Reg. No. 1,011,928  
Registered May 27, 1975  
OG Date Sep. 12, 1995

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER



WHATABURGER, INC. (TEXAS CORPORATION)  
4600 PARKDALE DRIVE  
CORPUS CHRISTI, TX 78411, ASSIGNEE  
BY CHANGE OF NAME, ASSIGNMENT AND MERGER FROM WHATABURGER INC. (TEXAS CORPORATION) CORPUS CHRISTI, TX

THE DRAWING IS LINED FOR THE COLORS ORANGE AND BROWN, BUT COLOR IS NOT CLAIMED AS A FEATURE OF THE MARK.

FOR: SOFT DRINKS, IN CLASS 45 (INT. CL. 32).

FIRST USE 7-18-1972; IN COMMERCE 7-28-1972.

FOR: HAMBURGERS, CHEESEBURGERS, FRENCH FRIED POTATOES, [POTATO CHIPS,] CORN CHIPS, FRIED PIES, ONION RINGS, MALT AND SHAKE BEVERAGES, AND FRANKFURTER SANDWICHES, IN CLASS 46 (INT. CLS. 29 AND 30).

FIRST USE 7-18-1972; IN COMMERCE 7-28-1972.

*In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on Sep. 12, 1995.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 1,014,196

Registered June 24, 1975

10 Year Renewal

Renewal Term Begins June 24, 1995

TRADEMARK  
PRINCIPAL REGISTER

WHATABURGER JR.

WHATABURGER, INC. (TEXAS CORPORATION)

4600 PARKDALE DRIVE

CORPUS CHRISTI, TX 78411, BY  
CHANGE OF NAME AND ASSIGN-  
MENT FROM LUTZ, GRACE DOBSON  
(UNITED STATES CITIZEN) CORPUS  
CHRISTI, TX

OWNER OF U.S. REG. NOS. 652,137,  
891,082 AND 963,811.

FOR: PREPARED HAMBURGER  
SANDWICH FOR CONSUMPTION ON  
OR OFF THE PREMISES, IN CLASS 29  
(U.S. CL. 46).

FIRST USE: 4-1-1973; IN COMMERCE  
8-29-1973.

SER. NO. 73 007,283, FILED 11-26-1973.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Aug. 8, 1995.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. Cl.: 30

Prior U.S. Cl.: 46

Reg. No. 1,116,918

United States Patent and Trademark Office

Registered Apr. 24, 1979

10 Year Renewal

Renewal Term Begins Apr. 24, 1999

**TRADEMARK  
PRINCIPAL REGISTER**

**WHATAMEAL**

WHATABURGER, INC. (TEXAS CORPORATION)  
4600 PARKDALE DRIVE  
CORPUS CHRISTI, TX 784112981, BY  
MERGER WITH WHATABURGER  
SYSTEMS, INC. (TEXAS CORPORATION) CORPUS CHRISTI, TX

FOR: PREPARED MEAL CONSISTING  
OF A HAMBURGER SANDWICH,  
FRENCH FRIES AND A BEVERAGE  
FOR CONSUMPTION ON OR OFF THE  
PREMISES, IN CLASS 30 (U.S. CL. 46).  
FIRST USE 7-1-1975; IN COMMERCE  
7-1-1975.

SER. NO. 73-155,977, FILED 1-20-1978.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Mar. 30, 1999.*

Prior U.S. Cl.: 40

United States Patent and Trademark Office

Reg. No. 1,206,344

Registered Aug. 24, 1982

TRADEMARK

Principal Register

WHATACATCH

Whataburger Systems, Inc. (Texas corporation)  
3104 S. Alameda  
Corpus Christi, Tex. 78404

For: BREADED FISH FILLETS SUITABLE  
FOR FISH SANDWICHES, in CLASS 29 (U.S. Cl.  
46).

First use Oct. 14, 1978; in commerce Apr. 1, 1979.

For: PREPARED FISH SANDWICH FOR  
CONSUMPTION ON OR OFF THE PREMISES,  
in CLASS 30 (U.S. Cl. 46).

First use Oct. 14, 1978; in commerce Apr. 1, 1979.

Owner of U.S. Reg. Nos. 652,137, 1,011,928 and  
others.

Ser. No. 226,971, filed Aug. 10, 1979.

JERRY L. PRICE, Primary Examiner

ROBERT C. CLARK JR., Examiner



Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,160,285

Registered May 26, 1998

TRADEMARK  
: PRINCIPAL REGISTER

WHATACHICK'N

WHATABURGER, INC. (TEXAS CORPORATION)  
4600 PARKDALE DRIVE  
CORPUS CHRISTI, TX 784112981

FIRST USE 1-1-1984; IN COMMERCE  
1-1-1984.

OWNER OF U.S. REG. NOS. 652,137, 1,116,918  
AND OTHERS.

FOR: CHICKEN SANDWICH, IN CLASS 30  
(U.S. CL. 46).

SER. NO. 75-261,844, FILED 3-24-1997.

SUSAN LESLIE, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,335,590

**United States Patent and Trademark Office**

Registered Mar. 28, 2000

**SERVICE MARK  
PRINCIPAL REGISTER**

**WHATABURGER**

WHATABURGER, INC. (TEXAS CORPORATION)  
4600 PARKDALE DRIVE  
CORPUS CHRISTI, TX 784112981

FIRST USE 1-1-1950; IN COMMERCE  
2-10-1953.  
OWNER OF U.S. REG. NOS. 1,011,927, 2,160,285  
AND OTHERS.

FOR: RESTAURANT SERVICES, IN CLASS  
42 (U.S. CLS. 100 AND 101).

SER. NO. 75-674,147, FILED 4-5-1999.

DAVID ETtinger, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

**United States Patent and Trademark Office**

Reg. No. 2,372,372

Registered Aug. 1, 2000

**TRADEMARK  
PRINCIPAL REGISTER**

**WHATAKIDS**

WHATABURGER, INC. (TEXAS CORPORATION)  
4600 PARKDALE DRIVE  
CORPUS CHRISTI, TX 784112981

ALLS, ONESIES, BASEBALL CAPS AND HATS, IN  
CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-0-1998; IN COMMERCE 2-15-1999.

SER. NO. 75-654,525, FILED 3-5-1999.

FOR: CLOTHING FOR CHILDREN, NAMELY,  
SHIRTS, POLO SHIRTS, T-SHIRTS, DRESSES, OVER-

SUSAN LESLIE DUBOIS, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,418,380

**United States Patent and Trademark Office**

Registered Jan. 2, 2001

**SERVICE MARK  
PRINCIPAL REGISTER**

**WHATAGUY**

WHATABURGER, INC. (TEXAS CORPORATION)  
4600 PARKDALE DRIVE  
CORPUS CHRISTI, TX 784112981

FIRST USE 1-1-2000; IN COMMERCE 1-1-2000.

SN 75-698,642, FILED 5-6-1999.

FOR: RESTAURANT SERVICES, IN CLASS 42  
(U.S. CLS. 100 AND 101).

KATHERINE STOIDES, EXAMINING ATTORNEY

**Int. Cl.: 42**

**Prior U.S. Cls.: 100 and 101**

**Reg. No. 2,432,191**

**United States Patent and Trademark Office**

**Registered Feb. 27, 2001**

**SERVICE MARK  
PRINCIPAL REGISTER**

**WHATAKIDS**

WHATABURGER, INC. (TEXAS CORPORATION)  
4600 PARKDALE DRIVE  
CORPUS CHRISTI, TX 784112981

FIRST USE 4-1-1999; IN COMMERCE 4-1-1999.

SN 75-647,561, FILED 2-22-1999.

FOR: RESTAURANT SERVICES, IN CLASS 42  
(U.S. CLS. 100 AND 101).

MITCHELL FRONT, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,534,527

Registered Jan. 29, 2002

SERVICE MARK  
PRINCIPAL REGISTER

WHATAPLACE! WHATATASTE!

WHATABURGER, INC. (TEXAS CORPORATION)  
4600 PARKDALE DRIVE  
CORPUS CHRISTI, TX 784112981

FIRST USE 10-11-1998; IN COMMERCE 10-11-1998.

SN 75-657,290, FILED 3-10-1999.

FOR: RESTAURANT SERVICES, IN CLASS 42  
(U.S. CLS. 100 AND 101).

JASON TURNER, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 2,519,854

United States Patent and Trademark Office

Registered Dec. 18, 2001

**TRADEMARK  
PRINCIPAL REGISTER**

**WHATACOMIX**

WHATAPARTNERSHIP, L.P. (DELAWARE LIM-  
ITED PARTNERSHIP)  
300 DELAWARE AVENUE, SUITE 900  
WILMINGTON, DE 19801

FIRST USE 1-1-2000; IN COMMERCE 1-1-2000.

SER. NO. 76-188,399. FILED 1-2-2001.

FOR: COMIC BOOKS AND CHILDREN'S ACTIV-  
ITY BOOKS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37,  
38 AND 50).

EDWARD TIMBERLAKE, EXAMINING ATTOR-  
NEY

Int. Cl.: 36

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,757,109

Registered Aug. 26, 2003

SERVICE MARK  
PRINCIPAL REGISTER

WHATABURGER

WHATAPARTNERSHIP, L.P. (DELAWARE LIM-  
ITED PARTNERSHIP)  
300 DELAWARE AVENUE  
SUITE 900  
WILMINGTON, DE 19801

FIRST USE 10-5-2001; IN COMMERCE 10-5-2001.

SN 76-332,382, FILED 10-31-2001.

FOR: CHARITABLE FUNDRAISING SERVICES,  
IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

RUSS HERMAN, EXAMINING ATTORNEY



Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,846,139

Registered May 25, 2004

TRADEMARK  
PRINCIPAL REGISTER

WHATABLENDERS

WHATAPARTNERSHIP, L.P. (DELAWARE LIM-  
ITED PARTNERSHIP)  
300 DELAWARE AVENUE  
SUITE 900  
WILMINGTON, DE 19801

FOR: MILK SHAKE DRINKS, BASES FOR MILK  
SHAKE DRINKS AND CANDY FLAVORED TOP-  
PINGS THEREFOR, IN CLASS 30 (U.S. CL. 46).

FIRST USE 9-4-2002; IN COMMERCE 11-4-2002.

OWNER OF U.S. REG. NOS. 1,116,918, 2,409,945,  
AND OTHERS.

SN 76-473,190, FILED 12-6-2002.

DAWN FELDMAN, EXAMINING ATTORNEY

Int. Cl.: 43

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,185,230

Registered Dec. 19, 2006

SERVICE MARK  
PRINCIPAL REGISTER

**WHATASIZE**

WHATAPARTNERSHIP, L.P. (DELAWARE LIMITED PARTNERSHIP)  
300 DELAWARE AVENUE, SUITE 900  
WILMINGTON, DE 19801

FOR: RESTAURANT SERVICES FEATURING A PREPARED MEAL CONTAINING FRENCH FRIES AND A SOFT DRINK FOR CONSUMPTION ON OR OFF THE PREMISES , IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 0-0-1998; IN COMMERCE 0-0-1998.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,011,927 AND 1,011,928.

SER. NO. 76-627,124, FILED 1-7-2005.

ALICE SUE CARRUTHERS, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

**United States Patent and Trademark Office**

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**Reg. No. 3,188,132**

Registered Dec. 19, 2006

**SERVICE MARK  
PRINCIPAL REGISTER**

**WHATABURGER FIELD**

WHATAPARTNERSHIP, L.P. (DELAWARE LIMITED PARTNERSHIP)  
300 DELAWARE AVENUE, SUITE 900  
WILMINGTON, DE 19801

FOR: PROVIDING STADIUM FACILITIES FOR SPORTING EVENTS, EXHIBITIONS, CONVENTIONS, COMMUNITY FESTIVAL EVENTS AND CONCERTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 4-6-2005; IN COMMERCE 4-6-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FIELD", APART FROM THE MARK AS SHOWN.

SN 78-598,999, FILED 3-31-2005.

JUDITH HELFMAN, EXAMINING ATTORNEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 3,188,136

Registered Dec. 19, 2006

SERVICE MARK  
PRINCIPAL REGISTER



WHATAPARTNERSHIP, L.P. (DELAWARE LIMITED PARTNERSHIP)  
300 DELAWARE AVENUE, SUITE 900  
WILMINGTON, DE 19801

FOR: PROVIDING STADIUM FACILITIES FOR SPORTING EVENTS, EXHIBITIONS, CONVENTIONS, COMMUNITY FESTIVAL EVENTS AND CONCERTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 4-6-2005; IN COMMERCE 4-6-2005.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FIELD CORPUS CHRISTI", APART FROM THE MARK AS SHOWN.

SN 78-599,894, FILED 4-1-2005.

JUDITH HELFMAN, EXAMINING ATTORNEY


**CERTIFICATE OF SERVICE**

I hereby certify that, pursuant to TBMP 2.101(a), on this date I served the foregoing PETITION FOR CANCELLATION upon Registrant and its counsel of record by causing a copy thereof to be deposited in the United States Mail, postage prepaid and addressed as follows:

**Wala Industries, Inc.  
7011 Warner Avenue Unit M  
Huntington Beach, CA 92647**

**Kevin E. Robinson, Esq.  
Wellington Square  
Suite D  
970 W 17<sup>th</sup> Street  
Santa Ana, CA 92706**

The 17<sup>th</sup> day of August, 2010.

  
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Jennifer L. Elgin